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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2011-30*

11 **MARY CAROLYN YATES aka MARY**  
12 **CAROLYN JACKSON**

**ACCUSATION**

13 **13603 Still Bay Court**  
14 **Houston, TX 77077**

15 **Registered Nurse License No. 567152**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about May 31, 2000, the Board of Registered Nursing issued Registered Nurse  
23 License Number 567152 to Mary Carolyn Yates aka Mary Carolyn Jackson ("Respondent").  
24 The Registered Nurse License expired on January 31, 2004, and has not been renewed.

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## JURISDICTION AND STATUTORY PROVISIONS

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws:

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...."

## COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board, Registrar, or Director may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE

2 (Disciplinary Action by the Texas State Board of Nursing)

3 9. Respondent is subject to disciplinary action under Section 2761, subdivision (a)(4),  
4 because the Texas State Board of Nursing ("Texas Board") imposed restrictions on her license to  
5 practice nursing in Texas. The circumstances of the Texas Board's disciplinary action are as  
6 follows:

7 10. On or about January 21, 2010, the Texas Board ratified and adopted an Agreed Order  
8 in the disciplinary matter entitled, *In the Matter of Registered Nurse License Number 511047*  
9 *Issued to MARY CAROLYN JACKSON*. The Agreed Order imposed the sanction of a "warning  
10 with stipulations" and imposed restrictions and encumbrances on Respondent's nursing license in  
11 Texas and Respondent's multistate licensure.

12 11. In the Agreed Order, the Texas Board found, and Respondent agreed to those  
13 findings, that there was sufficient evidence to prove violations of Texas Occupations Code  
14 Section 301.452 subdivisions (b)(10) and (b)(13), which respectively provide for disciplinary  
15 action when a nurse engages in "unprofessional or dishonorable conduct that, in the board's  
16 opinion, is likely to deceive, defraud, or injure a patient or the public" or fails "to care adequately  
17 for a patient or to conform to the minimum standards of acceptable nursing practice in a manner  
18 that, in the board's opinion, exposes a patient or other person unnecessarily to risk of harm." The  
19 basis for these findings was as follows:

- 20 a. On or about February 19, 2007 through March 29, 2007, while employed as a  
21 Field Nurse with Providian Health Care, Inc. in Houston, Texas, Respondent  
22 failed to notify a physician when a patient complained of feeling nauseated, of  
23 tingling all over the body, of stinging on the right side of the face, and of tightness  
24 in the substernal area. Instead of relaying these cardiac symptoms to a physician,  
25 Respondent instructed the patient that these symptoms could be cardiac-related,  
26 advised the patient to rest, and advised the patient to contact their physician.  
27 Regarding this conduct, the Texas Board found, "Respondent's conduct was  
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likely to injure the patient in that the patient possibly was having cardiac symptoms and was at risk of having a heart attack and possible demise.”

b. On or about April 5, 2007 and April 13, 2007, also while employed as a Field Nurse with Providian Health Care, Inc., Respondent submitted incomplete and inaccurate documentation of a patient assessment and of patient medications. Another nurse had to correct these errors. Regarding this conduct, the Texas Board found, “Respondent’s conduct was likely to injure the patient from clinical care decisions formulated based upon incomplete assessment information.”

12. In the Agreed Order, the Texas Board imposed upon Respondent a “warning with stipulations.” These stipulations included:

- 1) The delivery of Respondent’s license to the Board;
- 2) The completion of a course on physical assessment within a year;
- 3) The completion of a course in nursing documentation within a year;
- 4) The completion of a course on sharpening critical thinking skills within a year;
- 5) A minimum of 64 hours per month of employment for one year in a clinical setting such as a hospital or nursing home;
- 6) Notification to employers of the Board’s stipulations;
- 7) The completion of employment forms and periodic reports by Respondent’s employers;
- 8) Supervision by an experienced registered nurse;
- 9) A prohibition on employment by a nurse registry, temporary agency, hospice, home health agency, self-employment, contract for services, or multiple employers; and
- 10) A prohibition on employment outside of the State of Texas without written permission of the Texas Board.

13. On or about November 16, 2009, Respondent signed the Agreed Order.

14. On or about January 21, 2010, the Texas Board ratified and adopted the Agreed Order.

1           15. Under Code Section 2761, subdivision (a)(4), the restriction of Respondent's nursing  
2 license and the disciplinary action by the State of Texas is grounds for the Board to take  
3 disciplinary action.

4                                   **SECOND CAUSE FOR DISCIPLINE**

5                                   **(Unprofessional Conduct)**

6           16. By committing the acts set forth in particularity in paragraphs 9 through 15 above,  
7 Respondent is subject to disciplinary action on the grounds of unprofessional conduct pursuant to  
8 Code Section 2761, subdivision (a).

9                                   **PRAYER**

10           WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12           1. Revoking or suspending Registered Nurse License Number 567152, issued to Mary  
13 Carolyn Yates aka Mary Carolyn Jackson;
- 14           2. Ordering Mary Carolyn Yates to pay the Board of Registered Nursing the reasonable  
15 costs of the investigation and enforcement of this case, pursuant to Section 125.3 of the Business  
16 and Professions Code;
- 17           3. Taking such other and further action as deemed necessary and proper.
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20  
21 DATED: July 9, 2010

Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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